

7/22/09

AGENDA*
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING
Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Hearing Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059
Friday, August 21, 2009
11:00 a.m.

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* The Agenda for this meeting will be available on the ADEM website,
www.adem.alabama.gov, under EMC Information and Calendar of Events.

** The Minutes for this meeting will be available on the ADEM website
under EMC Information.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON JUNE 19, 2009

2. ELECTION

The Commission will hold an election of Personnel Committee members.

3. REPORT FROM THE DIRECTOR

4. REPORT FROM THE COMMISSION CHAIR

Included in the report from the Commission Chair will be the following:

- A. Discussion of Greenhouse Gas Emissions – The Commission will discuss greenhouse gas emissions and various stances taken on the impact that reductions of said emissions will make and consider taking a formal stance on the issue.
- B. Discussion of proposal for the ADEM Operating Plan for a methodology to quantify compliance rates for major ADEM programs - The Commission will discuss and consider the Director's proposal for the ADEM Operating Plan for a methodology to quantify compliance rates for major ADEM programs.

5. RUSSELL D. LIPPERT, LIPPERT BANK SERVICES, L.L.C. V. ADEM, AND SANTEK ENVIRONMENTAL OF ALABAMA, L.L.C., EMC DOCKET NO. 09-05

The Commission will consider the Hearing Officer's "Order on Motion for Summary Judgment" of July 6, 2009, which is construed as the Hearing Officer's recommendations to the Commission to grant the Intervenor's Motion for Summary Judgment and dismiss with prejudice the Request for Hearing filed by Russell D. Lippert. The Commission will also consider for adoption and incorporation in a final order on the Hearing Officer's recommendations the "Order on Motions to Dismiss" of May 19, 2009, which is a preliminary order by the Hearing Officer dismissing the Requests for Hearing by Lippert Bank Services, L.L.C. and Jennifer J. Lippert. The administrative action appealed under Docket No. 09-05 is ADEM's approval of the modification of the permit for Mt. Olive Landfill located on Mary Buckelew Drive in Jefferson County, Alabama.

6. CANAAN SYSTEMS, INC. V. ADEM, EMC DOCKET NO. 09-06

The Commission will consider a “Motion to Sever and Stay” filed by the Respondent Alabama Department of Environmental Management (ADEM). With this motion, ADEM is requesting that the Commission sever the dispositive question of jurisdiction and stay the issues raised by the Petitioner in its Request for Hearing. In addition, ADEM is requesting that the Commission issue an Order finding that this appeal was not properly requested nor timely filed and therefore the Hearing Officer and Commission no longer have jurisdiction to consider the appeal.

The ADEM administrative actions appealed under Docket No. 09-06 are ADEM’s denial of Class V injection well permits to Canaan Systems, Inc. for the Cottages of Bethune Lake Subdivision, Water’s Edge Subdivision, and Lawrence Landing Subdivision.

7. OTHER BUSINESS

8. FUTURE BUSINESS SESSION